

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 3781
Bertold Bast) Confirmation No.: 7219
Serial No.: 10/576,473) Examiner: Robin Annette Hylton
Filed: April 20, 2006)
Atty. File No.: 1604BPE-14-PUS) ELECTION AND AMENDMENT
Entitled: "Reclosable Beverage Can")
) Electronically Submitted

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action dated September 16, 2009, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner has indicated that the claims comprise 7 distinct inventions. Although Applicant does not necessarily agree with the Examiner's assertion, to facilitate prosecution Applicant hereby elects to pursue Group A, which comprises Claims 1, 6-10, 12-16, 19-26 and 36-38.

An amendment to the claims is additionally included herewith wherein the pending claims have been amended to coincide with those of related European Patent No. EP1526079. More specifically, Claims 1, 6-8, 15, 16, 19-21, 23, 25, 26 and 32 have been amended. Claims 2, 5, 12-14, 33 and 39 have been canceled. Claims 5, 14a, 27a, 30, 31 and 34 were previously canceled. Claims 3, 4, 11, 17, 18, 27-29, 35, 40 and 41 have been withdrawn. Claims 42-46 have been added. Accordingly, Claims 1, 6-10, 15, 16, 19-26, 32, 36-38 and 42-46 are currently pending for consideration and are believed to be patentable over the prior art of record.

It is believed that some of the independent claims presented are similar or generic to the elected claims, thus Applicant reserves the right to request rejoinder if appropriate. In addition, Applicant reserves the right to pursue the non-elected claims in divisional applications.

Included herewith is a Petition of a two-month extension of time along with the required fee, thereby extending the period of reply from October 16, 2009 to December 16, 2009. The Examiner is authorized to credit any underpayment or charge any underpayment to Deposit Account No. 19-1970.

The Examiner is invited to contact the undersigned if there are any questions.

Respectfully submitted,

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